

ORDINANCE NO. 166702-11-2005

AN ORDINANCE DECLARING CERTAIN FINDINGS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF FORT WORTH; PROVIDING FOR THE ANNEXATION OF AN APPROXIMATELY 5.7 ACRE TRACT OF LAND SITUATED IN THE WILLIAM BUSH SURVEY, ABSTRACT NUMBER 205, OF DENTON COUNTY, TEXAS (CASE NO. AX-05-020) WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT CORPORATE BOUNDARY LIMITS OF FORT WORTH, TEXAS; PROVIDING THAT THE TERRITORY ANNEXED SHALL BEAR ITS PRO RATA PART OF TAXES; PROVIDING THAT THE INHABITANTS THEREOF SHALL HAVE ALL THE PRIVILEGES OF ALL THE CITIZENS OF FORT WORTH, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL AMEND EVERY PRIOR ORDINANCE IN CONFLICT HERewith; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES NOT IN DIRECT CONFLICT; PROVIDING FOR SEVERABILITY; AND NAMING AN EFFECTIVE DATE.

WHEREAS, a public hearing before the City Council of the City of Fort Worth, Texas, wherein all interested persons were provided an opportunity to be heard on the proposed annexation of the territory hereinafter described, was held in the City Council Chambers in the Municipal Office Building of Fort Worth, Texas, on the 4th day of October 2005; and

WHEREAS, a second public hearing before the City Council of the City of Fort Worth, Texas, wherein all interested persons were provided an opportunity to be heard on the proposed annexation of the territory hereinafter described, was held in the City Council Chambers in the Municipal Office Building of Fort Worth, Texas, on the 11th day of October 2005; and

WHEREAS, notice of the first such public hearing was published in a newspaper having general circulation in the City of Fort Worth, Texas, and in the hereinafter described territory, on the 23rd day of September 2005, and posted on the City of Fort Worth's Internet web site on the 23rd day of September 2005; and

WHEREAS, notice of the second such public hearing was published in a newspaper having general circulation in the City of Fort Worth, Texas, and in the hereinafter described territory on the 30th day of September 2005, and posted on the City of Fort Worth's Internet web site on the 30th day of September 2005; and

WHEREAS, prior to the posting and publication of the notices of public hearings, a Service Plan providing for the extension of municipal services into the hereinafter described territory was prepared for inspection by and explanation to the inhabitants of the area to be annexed; and

WHEREAS, the population of the City of Fort Worth, Texas, is in

excess of 100,000 inhabitants; and

WHEREAS, the hereinafter described territory lies within the exclusive extraterritorial jurisdiction of the City of Fort Worth, Texas; and

WHEREAS, the hereinafter described territory lies adjacent to and adjoins the City of Fort Worth, Texas; and

WHEREAS, the hereinafter described territory contains Approximately 5.5 acres of land (0.008 square miles) of land, more or less;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That the following described land and territory lying adjacent to and adjoining the City of Fort Worth, Texas is hereby added to and annexed to the City of Fort Worth, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Fort Worth, Texas, and the present corporate boundary limits of said City, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Fort Worth, Texas, to-wit:

BEGINNING at a salient corner of the tract described in the said City of Fort Worth Ordinance Number 10357 in the south line of said Ordinance Number 13445, said salient corner being approximately 429 feet west of the Northeast corner of said William Bush Survey;

THENCE South 00 Degrees 36 Minutes 52 Seconds East, coincident with a west line of Ordinance Number 10357 a distance of 646.00 feet to a reentrant corner of Ordinance Number 10357;

THENCE South 89 Degrees 23 Minutes 07 Seconds West, coincident with a south line of Ordinance Number 10357 a distance of 375.00 feet to a reentrant corner of Ordinance Number 10357;

THENCE North 00 Degrees 36 Minutes 52 Seconds West, coincident with an east line of Ordinance Number 10357 a distance of 652.16 feet to a salient corner of Ordinance Number 10357 in the south line of Ordinance Number 13445;

THENCE South 89 Degrees 39 Minutes 44 Seconds East, coincident with the said south line of Ordinance Number 13445 a

distance of 375.05 feet to the PLACE OF BEGINNING and enclosing 5.5 acres of land.

SECTION 2.

That the above described territory is shown on Map Exhibit "A" which is attached hereto and expressly incorporated herein by reference for the purpose of illustrating and depicting the location of the hereinabove described territory.

SECTION 3.

That the above described territory hereby annexed shall be part of the City of Fort Worth, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Fort Worth, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens in accordance with the Service Plan and shall be bound by the acts, ordinances, resolutions and regulations of the City of Fort Worth, Texas.

SECTION 4.

That the Service Plan attached hereto as Exhibit "X" was made available at the public hearings for inspection by and explanation to the inhabitants of the area to be annexed and is approved and incorporated into this ordinance for all purposes.

SECTION 5.

That this ordinance shall and does amend every prior ordinance in conflict herewith, but as to all other ordinances or sections of ordinances not in direct conflict, this ordinance shall be, and the same is hereby made cumulative.

SECTION 6.

That it is hereby declared to be the intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

That should this ordinance for any reason be ineffective as to

any part or parts of the area hereby annexed to the City of Fort Worth, the ineffectiveness of this ordinance as to any such part or parts shall not affect the effectiveness of this ordinance as to the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Fort Worth every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the description of territory set out in Section 1 of this ordinance to be annexed to the City of Fort Worth any area which is presently part of and included within the limits of the City of Fort Worth, or which is presently part of and included within the limits of any other city, town or village, or which is not within the City of Fort Worth's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

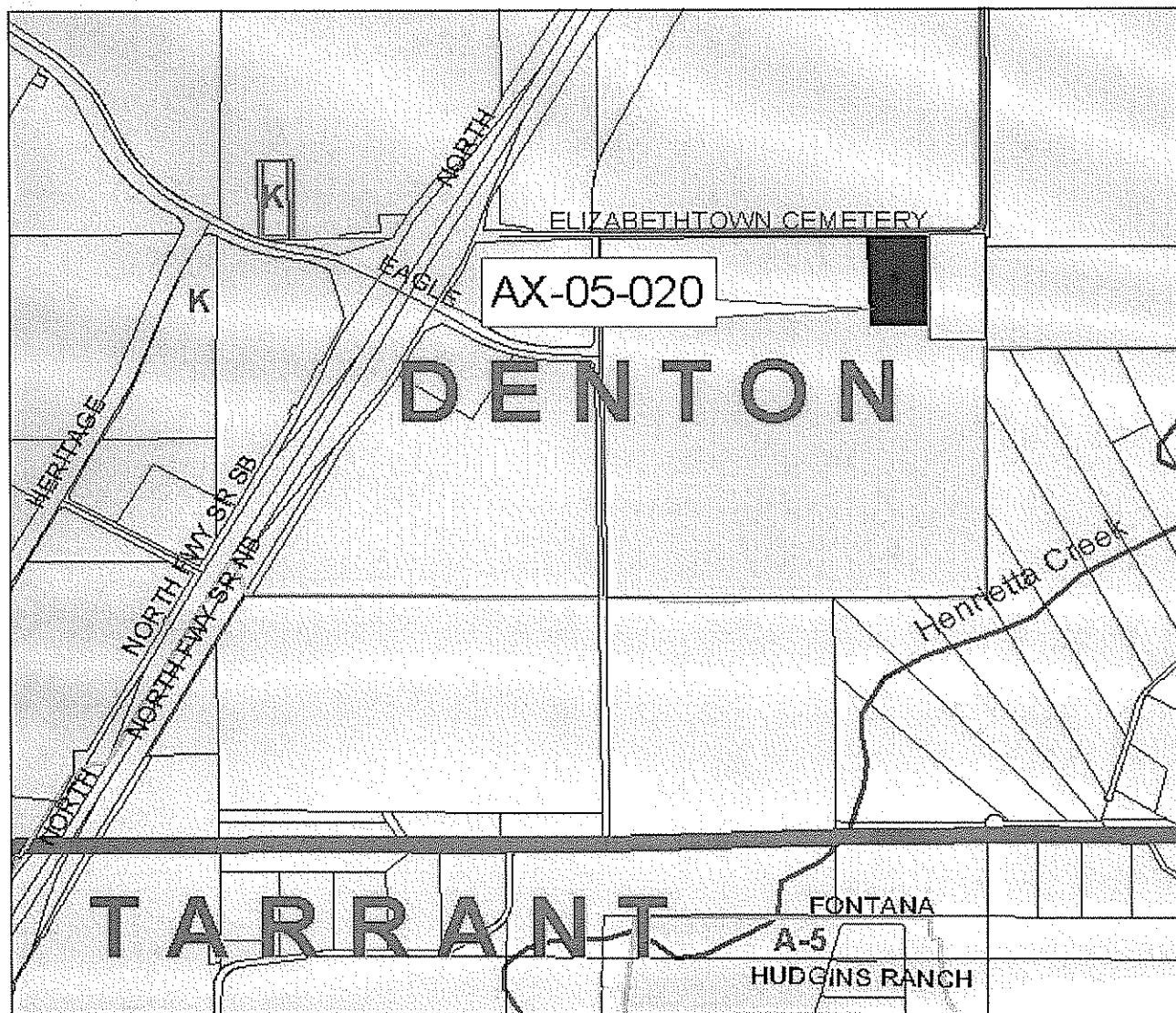
SECTION 8.

That this ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

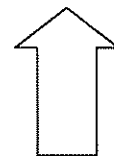

Sara Fullenwider, Assistant City Attorney

ADOPTED AND EFFECTIVE: November 8, 2005



Annexation of 5.5 Acres

Council District -2



Project Case # AX-05-020

Map Legend		Map References		Proposed Process Schedule	
Fort Worth ETJ		Annexation Program	5	1st Public Hearing	10/04/05
Acres to be Annexed		Mapsco	8B	2nd Public Hearing	10/11/05
Current Incorporated Area	318.48			Date of Institution	11/08/05

CITY OF FORT WORTH, TEXAS
SERVICE PLAN FOR ANNEXED AREA

Property Subject to Plan: Approximately 5.5 acre tract of land situated in the William Bush Survey, Abstract Number 205, Denton County, Texas

Location and Acreage: Approximately 5.5 acres of land in Denton County, located south of Old Denton Road, north of Henrietta Creek (AX-05-020 William Bush Survey)

County: DENTON

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Fort Worth, Texas, at the following levels and in accordance with the following service plan programs:

1. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted.

A. Police Protection

The Fort Worth Police Department will provide protection and law enforcement services in the Annexation Area commencing on the effective date of annexation. The services will include:

Normal patrols and responses to calls for service
Handling of offense and incident reports
Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required.

These services are provided on a citywide basis. The area will be combined with an existing Police Reporting Area (PRA), O300. The area will be in Neighborhood Policing District 3 on Beat C16.

B. Fire Protection

Fire protection services will be provided by existing personnel and equipment of the Fort Worth Fire Department. These services will be provided based upon available water, road and street conditions, and distances from existing fire stations. Services will be provided to the annexation area commencing on the effective date of the annexation. These services include:

1st responder emergency medical services
Fire suppression and rescue;
Hazardous materials mitigation and regulation;
Dive rescue;
Technical rescue;
Fire Safety Education;
Aircraft/rescue/firefighting;
Fire protection system plan review;
Inspections;
Emergency Management Planning.

These services are provided on a citywide basis. All Fort Worth firefighters are certified by the Texas Commission on Fire Protection.

On the date of annexation, the first responding fire services will come from Fire Station 35 located at 2201 Flight Line Road. The second responding fire company will be from Fire Station 37 located at 4721 Ray White Road. The Fire Department estimates the response time to be 5.7 and 12.24 minutes, respectively.

C. Emergency Medical Services

Emergency medical services by existing personnel and equipment of the Fort Worth Fire Department will be provided to the annexation area commencing on the effective date of the annexation. The Fort Worth Fire Department serves as the first responder on life threatening medical emergencies as a part of the MedStar system. All Fort Worth Fire Department personnel are certified as Emergency Medical Technician basic level or higher. All engines, trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

D. Solid Waste Collection

Solid waste collection shall be provided to the Annexation Area in accordance with existing City ordinances and policies commencing on the effective date of the annexation. Private solid waste service providers under contract with the City will provide residential services. Persons using the services of a privately owned solid waste management service provider other than the City's contracted service provider may continue to use such services until the second anniversary of the annexation.

Private service providers at the discretion of the customer may provide solid waste collection services for businesses and multi-family dwelling complexes having three or more units.

E. Operation and Maintenance of Water and Wastewater Facilities

The annexation Area is located in the CCN of the City of Fort Worth. The City will provide water and sewer service to the Annexation Area, at the developer's cost, in accordance with the "Installation Policy of Community Facilities".

F. Operation and Maintenance of Roads and Streets, Including Street Lighting

The following services will be provided in the Annexation Area commencing on the effective date of the annexation, unless otherwise noted.

The Transportation and Public Works Department will assume maintenance of public streets over which the City has jurisdiction. These services include emergency pavement repair and repair maintenance of public streets on an as-needed basis. Public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized on a Citywide basis and scheduled based on a variety of factors, including surface condition, ride ability, age, traffic volume, functional class, and available funding. Any necessary rehabilitation or reconstruction will be considered and prioritized on a citywide basis.

Streetlights installed on improved public streets shall be maintained by the City of Fort Worth in accordance with current City policies. Other street lighting shall not be maintained by the City of Fort Worth.

The Transportation and Public Works Department will also provide regulatory signage services in the Annexation Area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service is provided 24 hours a day, 365 days a year for emergency sign repair. For major arterials and collectors, the marking of streets is on an 18-month frequency. All improved intersections and roadways are striped upon improvement. All roadways are re-striped and remarked as needed.

G. Operation and Maintenance of Parks, Playgrounds, and Swimming Pools

Residents of this property may utilize all existing parks and community service facilities throughout the City, beginning with the effective date of the annexation. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

Existing parks, playgrounds, swimming pools and other recreational and community facilities within this property shall, upon deeding to and acceptance by the City and appropriations for maintenance and operations, be operated by the City of Fort Worth, but not otherwise.

H. Operation and Maintenance of Any Other Publicly Owned Facility, Building or Service.

In the event the City acquires any other facilities, buildings or services necessary for municipal services located in the Annexation Area, the appropriate City department will provide maintenance services.

2. PROGRAM FOR PROVIDING ADDITIONAL SERVICES

In addition to the services identified above, the following services will be provided in the Annexation Area on the effective date of the annexation, unless otherwise noted:

- A. The residents of the Annexation Area will receive library services from the Fort Worth Public Library commencing on the effective date of the annexation.
- B. The City will provide general municipal administration and administrative services.
- C. The Transportation and Public Works Department will provide drainage maintenance services in the Annexation Area at current citywide service levels. The City will assume maintenance for all public drainage channels within dedicated public drainage easements.

The Transportation and Public Works Department will provide the following services:

- Storm sewer maintenance;
- Watershed development review and inspection.

The Environmental Management Department will provide the following services:

- Emergency spills and pollution complaint response;
- Storm sewer discharge pollution prevention Water quality assessments for creeks.

The Department of Engineering will provide information relating to flood plains.

- D. Enforcement of the City's code and environmental health ordinances and regulations, including but not limited to weed and brush ordinances, junked and abandoned vehicle ordinances, food handlers' ordinances and animal control ordinances, will be provided within the Annexation Area on the effective date of the annexation. Complaints of ordinance or regulation violations within the area will be answered and investigated by existing personnel within the appropriate department beginning on the effective date of the annexation.
- E. The City's building, plumbing, mechanical, electrical, and all other construction codes will be enforced within the Annexation Area beginning with the effective date of the annexation.
- F. The City's zoning, subdivision, sign, manufactured housing, junk yard and other ordinances shall be enforced in the Annexation Area beginning on the effective date of the annexation.
- G. All inspection services furnished by the City of Fort Worth, but not mentioned above, will be provided to the Annexation Area beginning on the effective date of the annexation.

3. PROGRAM FOR PROVIDING FULL MUNICIPAL SERVICES WITHIN 2-½ YEARS

In addition to the services listed above, the City will provide full municipal services to the Annexation Area

commensurate with the levels of services provided in other parts of the City except if differences in topography, land use, and population density constitute a sufficient basis for providing different levels of service, no later than two and one-half (2-½) years after the effective date of the annexation. If full municipal services cannot be reasonably provided within the aforementioned time period, the City will propose a schedule for providing said services within a period of four and one-half (4-½) years after the effective date of the annexation, and/or upon commencement of development of a subdivision within this property, whichever occurs later.

“Full municipal services” are services provided by the annexing municipality within its full-purpose boundaries excluding gas or electrical service. The City shall provide the services by any of the methods by which it extends the services to any other area of the City.

4. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate acquisition or construction of capital improvements necessary for providing full municipal services adequate to serve the Annexation Area. Any such construction shall be substantially completed within two and one-half (2-½) years after the effective date of the annexation. If capital improvements necessary for providing full municipal services for the Annexation Area cannot be reasonably constructed within the aforementioned time period, the City will propose a schedule for providing said services within a period of four and one-half (4-½) years, and/or upon commencement of development of a subdivision within this property, whichever occurs later.

Acquisition or construction shall be accomplished by purchase, lease, or other contract. Any such construction shall be accomplished in a continuous process and shall be completed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices.

- A. Police Protection. No capital improvements are necessary at this time to provide police protection to the Annexation Area. Need for construction of new facilities will be assessed periodically based on population growth, predicted growth, and call volume.
- B. Fire Protection. No capital improvements are necessary at this time to provide fire protection to the Annexation Area. Need for construction of new facilities will be assessed periodically based on population growth, predicted growth, call volume and response time.
- C. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services to the Annexation Area.
- D. Water and Wastewater. As development of subdivisions commences within this property, the property owner in accordance with provisions of the City’s Subdivision Ordinance, Policy for Installation of Community Facilities and other applicable policies, ordinances, and regulations will extend water and sewer mains. City participation in the costs for over sizing these extensions shall be in accordance with applicable City policies, ordinances, and regulations.

Following is a summary of the Water and Wastewater Installation Policy as set out in Section III of the City’s Policy for the “Installation Policy of Community Facilities”.

The developer shall cause to be constructed all water and wastewater facilities required to provide service to the development, subdivision, or lot/tract. The developer shall be responsible for 100% of the cost for water and wastewater facilities designed to provide service to the proposed development. If larger facilities are required based on comprehensive study, the additional incremental cost shall be borne by the City.

Connection to existing City water mains for domestic water service to serve residential, commercial, and industrial uses within the Annexation Area will be provided in accordance with existing City ordinances and policies. Upon connection to existing mains, water will be provided at rates established by City ordinances for such service at the normal rates charged throughout the City.

Connections to existing City sanitary sewer mains for sanitary sewage service in the Annexation Area will be provided in accordance with existing City ordinances and policies. Upon connection, to existing

sanitary sewer mains, sanitary sewage service will be provided at rates established by City ordinances for such service at the normal rates.

- E. Roads and Streets. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- F. Drainage Utility. No capital improvements are necessary at this time to provide drainage services.
- G. Street Lighting. It is anticipated that new subdivisions in the Annexation Area will install street lighting in accordance with the City's standard policies and procedures. In other cases, the City will consider installation of additional street lighting in the Annexation Area upon request, with priority given to street lighting for traffic safety. Provision of street lighting will be in accordance with the City's street lighting policies, and those of the providing utility.
- H. Parks, Playgrounds, and Swimming Pools. Capital improvements such as parkland acquisition and development of facilities will be dictated by future land use of the area, goals established by the Parks, Recreation and Open Space Master Plan and appropriation of resources. Should additional residential development occur, parkland dedication, neighborhood park development and neighborhood park infrastructure or payment in lieu thereof will be required in accordance with the Park Policy of the Subdivision Ordinance.
- I. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the Annexation Area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.

5. IMPACT FEES

Notwithstanding any other provision of this service plan, a landowner within the Annexation Area will not be required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code governing impact fees, unless otherwise agreed to by the landowner.

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 11/8/2005 - Ordinance No. 166702-11-2005

DATE: Tuesday, November 08, 2005

LOG NAME: 06ADOPT020

REFERENCE NO.: PZ-2646

SUBJECT:

Institute and Adopt Ordinance for the City-Initiated Annexation of Approximately 5.5 Acres of Land in Denton County, Located South of Old Denton Road, North of Henrietta Creek (AX-05-020 William Bush Survey)

RECOMMENDATION:

It is recommended that the City Council institute and adopt an ordinance annexing approximately 5.5 acres of land located south of Old Denton Road, north of Henrietta Creek, in Denton County.

DISCUSSION:

On September 20, 2005, (M&C PZ-2613) the City Council approved the timetable for the full purpose annexation of the above referenced property into the City of Fort Worth. Public hearings concerning the annexation request were held as required by state law on October 4 and October 11, 2005. The adoption of the attached ordinance completes the annexation process.

The subject property is situated within the exclusive extraterritorial jurisdiction of the City of Fort Worth. This 5.5 acre tract is surrounded by the City of Fort Worth. The property currently has agricultural and single family residential uses on it.

OPERATIONAL IMPACT – The Police Department estimates a first year cost of \$153.00 to serve this area.

LOCATION – The subject property is located south of Old Denton Road, north of Henrietta Creek, in Denton County.

If annexed, this property will become a part of COUNCIL DISTRICT 2.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Dale Fisseler (6140)

Originating Department Head:

Bob Riley (8901)

Additional Information Contact:

Allison Gray (8030)
